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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,701	10/06/2003	Daisuke Matsubara	16869B-091200US	6171
20350 7590 03/19/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
CHEA, PHILIP J				
ART UNIT		PAPER NUMBER		
2153				
MAIL DATE		DELIVERY MODE		
03/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,701

Applicant(s)

MATSUBARA ET AL.

Examiner

PHILIP J. CHEA

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6, 7 and 19-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 6, 7 and 19-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This Office Action is in response to an Amendment filed January 7, 2008. Claims 1, 6-7, 19-22 are currently pending, of which claim 22 is new. Any rejection not set forth below has been overcome by the current Amendment.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,6-7,19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Decasper et al. (US 2007/0192474), herein referred to as Decasper.

As per claims 1,19,22 Decasper discloses a method for accessing information in a peer to peer network comprising:

storing information among a plurality of peer client systems, wherein the information can be access by the peer client systems, the information collectively referred to as information sources (see paragraph 48, describing how peer client systems can have information stored as content objects and downloads can be made directly from a peer client to retrieve content from another peer client);

storing, in a first server system, location information, wherein the peer client systems are configured to communicate with the first server system to access the location information (see paragraph 49, where a client can query a master controller for location information regarding the location (e.g. content servers, peer clients, or peer client appliances) of content objects);

generating, in the first server system, one or more subscriptions, each subscription being associated with an information source and with one or more peer client systems, wherein the peer client

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systems are configured to communicate with the first server system to subscribe to the one or more information sources (see paragraph 31, where crawling the network environment (e.g. content servers, peer clients, peer client appliances of paragraph 49) for an information source (i.e. content) implies that the subscription is associated with one or more peer client systems and the peer clients are configured to communicate with the first server for subscriptions (i.e. the centralized master));

detecting, in the first server system, a modification to an information source (see paragraph 31, where periodic checks determine if there is any new content (i.e. modified information)), the step of detecting comprising receiving, from a first peer client system, an indication that a first subscription source has been modified, and if the first server system determines that there is a first subscription that is associated with the first information source, communicating to the first peer client system a list of second peer client systems that are associated with the first subscription (see paragraph 49, describing how a peer can be informed of new objects that are available on peer clients (i.e. modified information source) and a list is generated from the master controller and presented to the peer with the subscription);

wherein the first peer client communicates an alert message to each second peer client system (see paragraph 49, describing how the master server keeps track of where content is and passes that information on to peers as a list (i.e. alert the peer of new content by a list), therefore a first peer communicates an alert message to a second peer client system through the master server);

wherein each second peer client system can access an information source that is associated with the alert message, a copy of the information source being stored in another peer client system (see paragraphs 61-62, describing how the master controller keeps track of where the content is located, since master controller can give alerts to new content (see paragraph 72), the master controller can allow a peer to download content from another peer);

wherein each second peer client system can access the copy from the other peer client system (see paragraphs 61-62, describing the downloading of content from another peer (i.e. accessing the copy of information)).

As per claim 6, Decasper further discloses that one of the second peer client systems automatically access an information source that is associated with the alert message (see paragraph 27).

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As per claim 7, Decasper further discloses that the first information source is modified by the first client system (see paragraph 27, where a first peer acquires the new content first and then distributes the content to the peers).

As per claim 20, Decasper further discloses that one of the second peer client systems automatically accesses an information source that is associated with the alert message (see paragraphs 61-62).

As per claim 21, Decasper further discloses that one of the second peer clients generates a display to inform a user of receipt of the alert message, wherein the user can decide whether to access an information source associated with the alert message (see paragraph 75).

Response to Arguments

3. Applicant's arguments filed January 7, 2008 have been fully considered but they are not persuasive.

A) Applicant contends that Decasper does not disclose storing information among a plurality of peer client systems (referred to as information sources).

In considering A), the Examiner agrees with the applicant that data is transferred between content servers and clients. However, Decasper also discloses that peers can transfer data to other peers, and peers store information that can be downloaded by other peers (see paragraph 48, that shows client [503.1] sending a message to peer client [503.2] to retrieve specific content). The Examiner believes that this is enough evidence to support a peer storing information as an information source. In considering detecting

B) Applicant contends that Decasper does not disclose detecting a modification to an information source the step of detecting comprising communicating to the first peer client system a list of second peer client systems that are associated with the first subscription

In considering B), the Examiner respectfully disagrees. Decasper discloses detecting a modification to an information source because master controller gets updated with new content

objects (see paragraph 49). Decasper also discloses communicating to a first peer client system a list of second client systems (see paragraph 49, showing that clients can receive from the master controller a list of new objects that are available as well as their locations (e.g. content servers, peer clients (i.e. second client systems), or peer client appliances) that are subscribed to an information source (see paragraph 72, showing how a client can subscribe to a master controller to get notification of new content and paragraph 31, showing subscription to new content base on information in a user profile (i.e. a client subscribes to get notified of new content specified in their profile).

C) Applicant contends that Decasper does not disclose that the first peer client communicates an alert message to each second peer client system.

In considering C), the Examiner respectfully disagrees. Decasper discloses that the master controller can communicate alert message to client systems about new content. And that the master controller is alerted of when new content is available on a peer (see paragraph 48, showing that the master controller uses it knowledge of which clients and client appliances have already downloaded specific content objects). Since it is ultimately the first peer that has been updated and the master controller using knowledge of the new content (i.e. alerted of new content on the first peer), and an alert is sent out about new content on the first peer to a second peer (see paragraphs 49 and 72), the Examiner considers this as the first peer communicating an alert message to the second peer client system through the master controller. It is not clearly claimed that the alert message can not be relayed through a master controller. Therefore, the claim limitation is met because a first peer client communicates an alert message to a master controller that it has received new content and the master controller alerts a second peer client system of the new content.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Philip J Chea
Examiner

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3/13/08

/Krisna Lim/
Primary Examiner, Art Unit 2153